

DOCKETED

Docket Number:	19-BSTD-06
Project Title:	Local Ordinances Exceeding the 2019 Energy Code
TN #:	235917-2
Document Title:	City of Campbell 2019 Notice of CEQA Exemption
Description:	Plain text of the City of Campbell Notice of CEQA Exemption
Filer:	Danuta Drozdowicz
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	12/11/2020 11:37:26 AM
Docketed Date:	12/11/2020



City of Campbell

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FILING REQUESTED BY AND
WHEN FILED RETURN TO:

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NOTICE OF EXEMPTION

City of Campbell
Environmental Coordination and Review

October 15, 2020

1. **Project Name:** Ordinance Adopting Green Building Amendments to City of Campbell Municipal Title 18, Code Chapter 18.18
2. **Project Location:** Campbell, Ca.
3. **Project Description:**

Pursuant to Public Resources Code (PRC) Section 25402.1(h)(2) and Section 10-106 of Title 24 of the California Code of Regulations, 2019 Mid-Rise New Construction Reach Code, the City of Campbell has applied to the California Energy Commission for a determination that its locally adopted energy efficiency standard, enacted in Local Ordinance 2260 (the Ordinance), will require buildings to be designed to consume no more energy than permitted by the *2019 Building Energy Efficiency Standards* (2019 Energy Standards) adopted by the Energy Commission. The Energy Commission's Building Standards are set forth in Title 24, Part 6 of the California Code of Regulations. This ordinance requires installation of infrastructure for electric appliances in mixed fuel buildings and provides performance and prescriptive path options for all-electric buildings. Consistent with PRC Section 25402.1(h)(2), the Energy Commission found that the City of Campbell's Ordinance will require the diminution of energy consumption levels permitted by the 2019 Energy Standards.

4. **Public Agency Approving Project:** City of Campbell, City Council
5. **Project Sponsor:** City of Campbell Building Division
6. **CEQA Exemption Status:**

Ministerial (Sec. 21080(b)(1); 15268):
 Declared Emergency (Sec. 21080(b)(3); 15269(a)):
 Emergency Project (Sec. 21080(b)(4); 15269(b)(c)):
 Categorical Exemption. State type and section number:
California Code of Regulations, Title 14, § 15061(b)(3).
California Code of Regulations, Title 14, § 15308.

___ Statutory Exemption. State code number:

7. Reasons for Exemption:

The finding by the Energy Commission required by PRC Section 25402.1(h)(2), that City of Campbell ordinance will require the diminution of energy consumption levels permitted by the 2019 Energy Standards, involves the comparison of the energy savings of the ordinance pursuant to an objective fixed standard, and does not require the exercise of judgment or deliberation on the part of the Energy Commission. It is therefore a ministerial act consistent with Section 15369 of Title 14 of the California Code of Regulations, and is exempt from CEQA pursuant to Public Resources Code section 21080(b)(1) and section 15268 of Title 14 of the California Code of Regulations.

The Energy Commission also determined that the activity is covered by the general rule that California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. (14 CCR § 15061(b)(3).) Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Energy Commission previously found that its adoption of the California Green Building Code was exempt from CEQA pursuant to Title 14, Section 15061(b)(3). Additionally, a negative declaration was previously adopted for the California *Building Energy Efficiency Standards* as a whole; 2019 Mid-Rise New Construction Reach Code. These standards are more protective of the environment than the state standards, and there are no reasonably foreseeable adverse impacts, and so there is no possibility that the activity in question may have a significant effect on the environment. As the lead agency, the City of Campbell also stated in its application to the Energy Commission that this activity is exempt from CEQA under Section 15061(b)(3) and 15308 of Title 14 of the California Code of Regulations.

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